

**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: **Richland Moulded Brick Company**
OHR000011221
Richland County
DMWM, NWDO
Notice of Violation of Director's
Final Findings and Orders

February 21, 2012

CERTIFIED MAIL

Mr. Dudley P. Frame, Jr.
Richland Moulded Brick Company
P. O. Box 754
Anniston, Alabama 36202

Dear Mr. Frame:

By certified mail dated September 14, 2011, the Ohio Environmental Protection Agency (Ohio EPA) notified you that the Director's Final Findings & Orders (DFFOs) were signed and entered into the Director's Journal on September 12, 2011. These DFFOs were mutually agreed to by Richland Moulded Brick Company, Inc. (RMB) and were signed by you and the Director.

To date, RMB submitted documentation concerning Orders 1 and 2 of the DFFOs on four occasions. On December 19, 2011, and January 6, 2012, Ohio EPA received documents from Bill Geier that included analytical results from sampling that has taken place at RMB. On January 10, 2012, Ohio EPA received documents from Bill Geier that included a closure plan for three areas located at RMB. On February 6, 2012, Ohio EPA received a CD containing quality assurance/quality control (QA/QC) documentation from Alloway Laboratories. A specific response to the submitted closure plan will be addressed under separate cover.

Based on this information, Ohio EPA has determined RMB violated, or continues to be in violation of, the following:

1) Ohio Revised Code (ORC) Section 3734.13(D) - Violating an order of the Director and Ohio Administrative Code (OAC) Rule 3745-52-11- Hazardous Waste Determination:

- a) "Within 120 days of the effective date of these Orders, Respondent shall submit to Ohio EPA documentation showing that all remaining wastes at the Facility, including but not limited to those identified in Exhibit A, have been characterized pursuant to and in compliance with OAC rule 3745-52-11, and properly managed in a manner that prevents releases of hazardous waste..."

RMB failed to submit documentation showing all remaining wastes at the facility, including but not limited to those identified in Exhibit A of the September 12, 2011, DFFOs, have been characterized pursuant to and in compliance with OAC rule 3745-52-11, and properly managed in a manner that prevents releases of hazardous waste.

The sample results that have been received to date are under evaluation and Ohio EPA will notify RMB if they are acceptable as soon as the review is complete. However, RMB remains out of compliance with Order No. 1 of the September 12, 2011, DFFOs and should continue to sample the remaining wastes that have not been evaluated.

- b) "The Respondent is hereby exempted from the requirement to submit an application for a hazardous waste facility installation and operation permit for the Facility, *provided that* Respondent complies with the following... Within 120 days after the effective date of these Orders, Respondent shall submit to Ohio EPA a Closure Plan for the identified hazardous waste storage/disposal areas in Finding No. 17. and Exhibit B, and any other areas where hazardous wastes were illegally treated, stored, or disposed, as identified by the results of the waste characterization required by Order No. 1..."

On January 10, 2012, Ohio EPA received a closure plan titled "RCRA Closure Plan" from RMB. This closure plan described closure for three areas at RMB. The areas listed in the closure plan are the "south overhang area-RMB 1" (listed as Area B-Sections 1, 2, and 3 in Exhibit B of the DFFOs), "brick machine area-RMB 2" (listed as Area C-Barium Carbonate Storage Area Room in Exhibit B of the DFFOs), and "maintenance supervisor store room RMB 2" (not specifically listed in Exhibit B of the DFFOs).

RMB failed to submit a closure plan for all areas outlined in Finding No. 17. and Exhibit B of the September 12, 2011, DFFOs and other areas where hazardous wastes were illegally treated, stored, or disposed, as identified by the results of the waste characterization required by Order No. 1. Because of this, RMB is in violation of Order No. 2 of the September 12, 2011, DFFOs.

2) ORC Section 3734.02 (F) - No person shall transport or cause to transport hazardous waste to a facility not authorized to manage hazardous waste:

RMB failed to either transport or ensure hazardous waste was transported to a facility authorized to manage hazardous waste. During inspections of RMB, Ohio EPA identified a yellow, thirty (30) gallon container as "M08." Container M08 held a dark solid material which was determined to be a characteristic hazardous waste for benzene (D018). During a subsequent inspection, container M08, had been removed from the facility. Bill Geier and Mike Kyer stated RMB was unaware as to the final disposition of container M08. Within 30 days of receipt of this letter, RMB must submit documentation to Ohio EPA detailing the efforts made to determine the final disposition of the container labeled "M08."

RMB must ensure all hazardous waste removed from the site in the future is managed at a facility authorized to manage hazardous waste.

RMB's property is not occupied on a daily basis and the only site security consists of a chain link fence. Since the plants at RMB have closed, these sites have become a location for theft and vandalism. One such instance resulted when vandals spread bags of hazardous barium carbonate waste around the plant.

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RMB's facilities have also become illegal dumping grounds for local residents' municipal wastes and homeless people are known to have occupied the buildings. The ongoing uncontrolled access to the site and the vandalism that is being allowed to occur is unacceptable. Exposure to humans, animals, and the environment continues to occur at this site through the mismanagement of hazardous wastes. Ohio EPA is aware of several containers of hazardous wastes at RMB that are open, leaking, or have altogether disappeared from the site. In general, RMB has not contained releases of hazardous waste and does not manage the hazardous wastes in a manner that prevents further exposure to humans, animals or the environment.

Ohio EPA considers the violations of the September 12, 2011, Director's Final Findings & Orders to be very serious in nature. We are disappointed with the rate in which the work is being accomplished and the quality of the work being performed. Ohio EPA expects full compliance with the DFFOs and will not hesitate considering other enforcement options to compel compliance with the DFFOs. Please contact me within 14 days to set up a meeting in order to discuss achieving compliance with the DFFOs and Ohio's hazardous waste laws.

Sincerely,

Kara Reynolds

Kara Reynolds
Division of Materials and Waste Management

/llr

pc: Scott Frame, Old Carolina Brick Co., Anniston, Alabama
William Geler, Senior, Richland Moulded Brick, Mansfield, Ohio
Fran Kovac, Legal, CO
Colleen Weaver, DMWM, NWDO
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Eric Schultz, DERR, CO
Randy Ohlemacher, DERR, Groveport
Lynn Ackerson, DERR, NWDO

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.